

Charles Wang (Pro Per)  
Case 3:08-cv-02692-PJH  
DVH 740/08033629  
701 S. Abel Street  
Milpitas, CA 95035

Document 6

Filed 07/14/2008

Page 1 of 8

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JUL 14 2008  
FILED  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES  
DISTRICT COURT  
NORTHERN CALIFORNIA

CHARLES WANG ) Case No: CV 08-2692 PJH

PETITIONER ) Presiding Judge:

— — — — — ) Motion to Appoint SPECIAL Council  
ON JUNE 10<sup>th</sup>, 2008, I filed an "Motion to Extend Time".  
In it, I mentioned I have submitted Requests on June 1<sup>st</sup> & 4<sup>th</sup>  
to Santa Clara County Elmwood facility for allowing computer &  
Internet access. More than a month has past. I have not yet  
heard from the facility.

ON June 2<sup>nd</sup> & 23<sup>rd</sup>, I requested to have a \$500 Check  
issued to the "S.F. District Court". Both requests are diverted to  
"Friends Outside", despite on p16 in the Rulebook, it's  
stated "You may release money from your account to  
anyone." I heard "Friends Outside" is under-staffed and  
they have not yet got back to me.

I have also experienced: postage purchase been denied  
(against facility Rulebook), legal mail been opened, and legal mail  
never reached destiny. It has caused mental anguish & distress.  
I pray for the Court's consideration to appoint a SPECIAL Council  
to ensure proper process and procedure been followed.

Signed under penalty of perjury.

July 10, 2008

S. C. Wang  
S.C. WANG, Petitioner

EXHIBIT

1. County Rulebook page 2-5, 15, 16

ELMWOOD COMPLEX  
701 SOUTH ABEL STREET  
MILPITAS, CA 95035-5286



# INMATE ORIENTATION AND RULE BOOK

Revised 01/01/05



**INMATE RIGHTS AND RESPONSIBILITIES**

<b>RIGHTS</b>	<b>RESPONSIBILITIES</b>
You have the right to expect that you will be treated respectfully, impartially and fairly by all personnel.	You have the responsibility to treat others, DOC staff, visitors and other inmates, respectfully, impartially and fairly in return.
You have the right to be informed of the rules, procedures and schedules for the operation of this facility.	You are responsible for knowing and abiding by the rules, procedures and schedules for the operation of this facility.
You have the right to freedom of religious affiliation and voluntary religious worship.	You have the responsibility to recognize and respect the rights of others in this regard.
You have the right to health care, which includes nutritious meals, proper bedding, clothing and hygiene articles. You have the right to regular exercise and emergency medical treatment.	It is your responsibility not to waste food or damage facility property, to follow clothing exchange and maintain proper hygiene, to maintain clean living areas and to seek medical and dental care as needed.
You have the right to visit and correspond with family and friends.	It is your responsibility to conduct yourself properly during visits, to not accept or pass contraband, and to not violate the law through your correspondence.
You have the right to unrestricted and confidential access to the courts by correspondence on matters of your criminal case, conditions of your confinement, etc.	You have the responsibility to present honestly and fairly your petitions, questions and problems to the court
You have the right to legal counsel through an attorney by interviews or correspondence.	It is your responsibility to use the services of an attorney honestly and fairly.
You have the right to access to legal assistance resources to assist you in resolving legal problems.	It is your responsibility to use legal assistance resources in keeping with the procedures and to respect the rights of other inmates in this area.
You have the right to reading material for both educational and recreational purposes. These materials may include magazines and newspapers sent directly from a publisher.	It is your responsibility to seek and utilize the available reading materials without depriving other inmates of their right to use the materials. You are responsible to pay for any materials ordered from a publisher.
You have the right to participate in education, vocational training and employment as available based on your housing, interests, needs and abilities.	You have the responsibility to take advantage of activities, which may help you to live a successful and law abiding life within the facility and upon your return to the community. You will be expected to abide by the regulations governing the use of such activities.

**YOU ARE HERE AS PUNISHMENT, NOT FOR PUNISHMENT**

### **ELMWOOD MISSION AND PHILOSOPHY STATEMENT**

The Mission of the Department of Correction and the Elmwood Complex is to serve and protect the citizens of Santa Clara County and the State of California by detaining the people under its supervision in a safe and secure environment, while providing for their humane care, custody and control.

The Department will maximize opportunities for offenders to participate in programs that reduce criminal behavior and enhance the offender's reintegration into the community.

Inmates are classified to the least restrictive housing with due consideration to the safety of the public, staff and inmates. All inmates shall be afforded the opportunity to engage in productive work and participate in programs including education, vocational training, religious services, counseling, constructive use of leisure time and other activities that will enhance self-worth and community integration. The continuity of family and community contact will be encouraged by appropriate policies regarding visiting, telephone communication, mail and volunteer involvement.

In any community it is necessary to respect the rights, privileges and responsibilities of everyone. In this institution, this need for respect is necessary to an even greater degree. While you are at this facility, you are expected to take advantage of all the opportunities that are available to you. In addition, your behavior must be within acceptable limits. It is our expectation that every individual that is housed within the Department of Correction will return to their community better prepared to cope with society and hopefully no more hostile than when they arrived.

**READ THIS RULE BOOK CAREFULLY!** It contains information regarding your rights and responsibilities, facility procedures, acts prohibited in the facility and types of disciplinary action, which may be taken if you violate the facility rules. This information is provided in order to make your stay here as beneficial as possible.

**You are responsible for reading, understanding and following the rule information contained in this book.** If you have questions or are unsure of rule information, you may contact the Officer assigned to your housing unit for assistance and/or clarification.



- ❖ All medical devices, aids and prosthetics will be returned after being checked by medical staff
- ❖ (1) Pair of Prescription eye glasses, with case, no metal clips with a medical note
- ❖ (1) Pair of clear contact lenses. No tint, No color with a medical note.
- ❖ Medical alert identification, no chains

Once you are sentenced to State prison, you must make arrangements to have your property picked up. If it is not picked up prior to your departure, you will be required to sign a property release form authorizing someone to pick it up. Property left unclaimed will be destroyed after 180 days.

If it becomes necessary to confiscate any in-custody property, you will be given a receipt and the property will be placed with your personal property.

⇒ Your money is credited to your account and your commissary purchases will be subtracted from your account. You may release money from your account to anyone you wish, except another inmate. Anyone may send money to your account by sending a Cashier's Check or Money Order made payable to the SANTA CLARA COUNTY DEPARTMENT OF CORRECTION. The sender must write your name and PFN (three letters and three numbers) on the Cashier's Check or Money Order. There is a three hundred dollar (\$300.00) maximum limit for each check or money order. Personal checks will not be accepted.

#### RELEASE

There are several ways you can be released before you go to trial, including, but not limited to: Own Recognizance (OR)/Supervised OR, Bail, Citation or Court Release. If you are released through any of these methods, you will physically be released as soon as all the necessary paperwork can be processed. At that time you will be required to complete release paperwork and your personal property will be returned to you. If you have been sentenced to serve County Jail time, you will be released after 4:00 a.m. on the morning of your release date. If you are an inmate worker and have someone to provide a ride, you may be released at midnight with the approval of the Team Sergeant via an inmate request form.

Penal Code section 4018.6 allows temporary release for sentenced inmates for family emergencies or preparation for return to the community. Any such release may not be for a period of more than three days.

To qualify for a 4018.6 P.C. release you must be sentenced on all matters for which you are being held. To request a 4018.6 P.C. release, you must submit a P.C. 4018.6 Request Form to a Sergeant. You may be required to pay the County, in whole or in part, for any expenses incurred pursuant to a 4018.6 P.C. release prior to being released. If your request is denied, you may try to obtain a

education regarding the availability of family planning services. Inmates with problems or questions regarding their personal hygiene, menstrual cycle, reproductive system or birth control measures should see the nurse during pill call. Friends Outside also provides information, classes, counseling and referrals regarding family planning services.

Per Penal Code Section 4023.6, any female inmate in any local detention facility shall have the right to receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. If the inmate is found to be pregnant, she is entitled to needed services from the physician and surgeon of her choice. Any expenses associated with the services of a physician and surgeon whose services are not provided by the facility are the responsibility of the inmate. Inmates who wish to be seen by their own physician and surgeon should submit their request to the nurse. If your Doctor requires that you must be seen in their office, you must obtain a court order so you can be released for the examination/treatment.

Per Penal Code Section 4028, females detained in any local detention facility found to be pregnant and desiring abortions shall be permitted to obtain an abortion, if eligible. Any female inmate choosing to have an abortion should contact the nurse during pill call or make arrangements to see their physician and surgeon.

#### **PROPERTY AND MONEY**

When you are booked, your money, personal property and clothing are taken for safekeeping. You should keep your receipt. The Department of Correction will not be responsible for any personal property not surrendered at the time of booking.

You may release your property to anyone you wish, **except** another inmate. If you release any of your property, you must release all of it (with the exception of personal clothing). Personal clothing will only be released if you are sentenced to prison.

CDC accepts the following items if you are en route or sentenced to State prison: **(There are no exceptions!)**

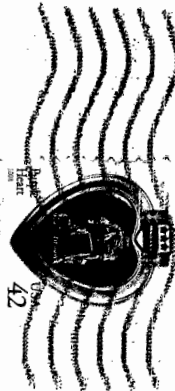
- ❖ Legal mail only
- ❖ (20) white envelopes and (20) postage stamps
- ❖ (1) Address book, attorney/probation/parole related business cards
- ❖ (1) Writing tablet not to exceed 20 pages
- ❖ (1) Wedding band (single piece) not to exceed 1/4" in width with a value less than \$100.00 and no stones

Charles Ward  
DUI 740/08033629  
701 S. Abel Street  
Milpitas, CA 95035

COUNTY JAIL  
GENERATED MAIL

Clerk's Office  
Federal Building  
450 Golden Gate Avenue  
San Francisco, CA 94102

SAN JOSE CA 951  
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